

REMARKS/ARGUMENTS

Reconsideration of this application, in view of the foregoing amendment and the following remarks and arguments, is respectfully requested.

Claims 36-63 are currently pending in this application, and the Examiner's indication that Claims 38, 45-48, 56-58, 62 and 63 contain patentable subject matter is noted with appreciation. By the foregoing amendment, Claims 36, 38, 45, 46, 52, 56, 57 and 62 have been revised. Accordingly, Claims 36-63 remain in this application for consideration and allowance.

Turning first to matters of form, Claims 36-51 currently stand rejected under 35 USC §112, second paragraph, as being indefinite due to an inadvertently repeated step in Claim 36 from which Claims 37-51 depend. In the foregoing amendment, this indefiniteness rejection has been overcome by amending Claim 36 so that the duplicated term "production wellbore" at the beginning of line 6 thereof has been changed to correctly read --storage wellbore-- (for injecting gas into the recited formation).

Additionally, the objected-to Claims 38, 45-48, 56-58, 62 and 63 have been placed in a condition for allowance by rewriting Claims 38, 45, 46, 56, 57 and 62 in independent form, and further amending Claims 38 and 45-48 to overcome the 35 USC §112 indefiniteness rejections thereof as was done in Claim 36 discussed above.

Turning now to the merits of applicant's claims, in his December 16, 2003 Office Action, the Examiner made the following substantive claim rejections which are respectfully traversed for reasons subsequently set forth herein.

1. Claims 36, 37, 39-44, 49, 52-55 and 59 currently stand rejected under 35 USC §102(e) as being anticipated by U.S. Patent 6,279,658 to Donovan et al; and

2. Claims 50, 51, 60 and 61 currently stand rejected under 35 USC §103(a) as being unpatentable over Donovan et al.

As representatively illustrated and described in his drawings and specification, applicant's invention provides gas storage and production methods in which **separate** gas storage and gas production wellbores, which representatively meet at a wellbore junction area, are extended into the **same** subterranean gas storage formation. By using these **separate** storage and production wellbores, various problems, limitations and disadvantages associated with the conventional method of using the **same** wellbore to both inject and produce are avoided.

Via amended independent Claims 36 and 52, all of the substantively rejected Claims 36, 37, 39-44, 49-55 and 59-61 specify the extension (from a main wellbore junction) into a **single** formation of **separate** production and storage wellbores, and the injection into the formation of gas via the separate storage wellbore. In contrast, in the well apparatus illustrated and described in Donovan et al (see FIGS. 2 and 2A referred to by the Examiner) there is no disclosure whatever that any given subterranean formation served by the apparatus has **separate** production and injection wellbores extending thereinto. To the contrary, the specification is replete with references to the fact that the well apparatus serves **multiple** formations. These references may be found at the following locations in the Donovan et al specification:

1. Column 3, line 37;
2. Column 5, line 65;
3. Column 12, line 63;

4. Column 13, line 21;
5. Column 14, line 8;
6. Column 15, line 18; and
7. Column 16, line 9.

It is disclosed in Donovan et al (beginning on line 66 of column 6) that gas from a compressor 60 may be injected into any of the wellbores 20a-20n which are also used in a conventional manner to produce fluid from their associated subterranean zones. Thus, each of the wellbores 20a-20n is used to **both** inject gas and produce fluid. This is the very prior art problem which the present invention solves by using **separate** injection and production wellbores for the **same** subterranean formation.

For the foregoing reasons it is thus respectfully submitted that the Donovan et al reference fails to anticipate any of applicant's Claims 36, 37, 39-44, 49, 52-55 and 59, and fails to render any of applicant's Claims 50, 51, 60 and 61 obvious.

In view of the foregoing amendment, remarks and arguments, all of the claims currently pending in this application are now seen to be in a condition for allowance. A Notice of Allowance of Claims 36-63 is therefore earnestly solicited.

The Examiner is hereby requested to telephone the undersigned attorney of record at 972/516-0030 if such would further or expedite the prosecution of the instant application.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450,

on January 27, 2004
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